

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Docket No. MGP.P.US0081
Sisson, et al) Art Unit:
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For: Article Comprising Light Absorbent) Examiner: Bruenes, C.
Composition to Mask Visual Haze and Related)
Methods)
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US Application No: 10/769,167)
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 Filed: 1/30/2004)

SUPPLEMENTAL AMENDMENT 13 APRIL 2009

Included in this SUPPLEMENTAL AMENDMENT are

1. Correction of the tabulated values in Appendix D, previously submitted.
2. A replacement of Appendix D in the previous submission.

THERE ARE NO AMENDMENTS TO THE CLAIMS

Correction of Tabulated Data

The previous response to the Office Action included the discussion of the second Examiner's Interview held in the Examiner's Office on 6 May 2008 with the Examiner, Alvin Rockhill and Ed Sisson attending. Two green colored bottles of the exact same composition were presented at that meeting with the following discussion included in the response:

“The same grade and amount type of polyester; the same grade and amount of nylon; and the same grade and amount of green colorant. The bottles were blown into the same mold from preforms having the same preform design. However, one bottle was hazy and the other was not hazy. Pictures were left with the Examiner showing that one could read letters through the non-hazy bottle yet the letters could not be read through the hazy bottle. The difference between the bottles was that the hazy bottle had more nylon domains between 400 and 700nm than did the non-hazy bottle. The reason that the hazy bottle had more domains between 400 and 700nm was because the preform for the hazy bottles was made on a production injection molding machine designed specifically to be low shear and put less work into the system. It was explained that this would mean the domains would be larger because less work had been introduced into the system.

The preforms for the non-hazy bottle were made on a low throughput research and development machine with high shear (work) and longer residence time. This leads to smaller domains; thus less domains were in the range of 400-700nm of the stretched

article. The green bottle with the lower amount of domains was visually not hazy, while the green bottle with more domains in the range of 400-700nm was hazy.

This demonstration underscores that the colorant must be present in an effective amount (proper absorbance and at the right wavelengths) and places a very high burden on prior art disclosures. Just because an article in the prior art may have domains between 400 and 700nm, and may be colored, there is no guarantee that the right colorant has been added in the right amount for the value of X to inherently be less than 9.5.

The pictures left with the Examiner and submitted as Appendix D of that submission contained a table of values. Since that submission, it has been discovered that three values were erroneously reported. First, there were 300 domains measured on the non-hazy bottle labeled A, not 301, and there were 87 domains between 400 and 700 nm in bottle A, not 89 as reported. For Bottle B, the hazy bottle, there were 120 domains between 400 and 700nm, not 100 as reported.

As can be seen the data are consistent with what was discussed in the Examiner's interview and do nothing to detract from the positions that the haze is caused by the number of domains between 400 and 700nm.

.In fact, the corrected data underscore the point more poignantly.

The Commissioner is also authorized to deduct any additional fees or refund any charges to Deposit Account 50-3651.

Respectfully submitted,

/Edwin A. Sisson #48,723/

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